

The proposed regulation will become the final rule.

Determination

As required by Executive Order 12291, I have determined that this regulation is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), I have determined that this regulation does not have a significant economic impact on a substantial number of small entities.

Certificate

Whereas, on April 14, 1989, the Director of Selective Service published a Notice of Proposed Amendments of Selective Service Regulations at 54 FR 14968; and whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. 463(b)) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public (summarized above) have been received and considered; and I certify that I have requested the view of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. section 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, as stated below.

List of Subjects in 32 CFR Chapter XVI

Armed Forces—draft.

Dated: June 14, 1989.

Samuel K. Lessey Jr.,
Director of Selective Service.

The regulation is:

PART 1656—ALTERNATIVE SERVICE

(1) The authority citation for Part 1656 continues to read as follows:

Authority: Military Selective Service Act, 50 U.S.C. App. 451 et seq.; E.O. 11623.

§ 1656.5 [Amended]

(2) Section 1656.5(a)(1)(iii) is removed and reserved.

[FR Doc. 89-15114 Filed 6-26-89; 8:45 am]

BILLING CODE 8015-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1-89-048]

Safety Zone Regulations; Coney Island Channel, New York

AGENCY: Coast Guard, DOT.

ACTION: Emergency Rule.

SUMMARY: The Coast Guard is establishing a safety zone in Coney Island Channel, New York. This Zone is needed to protect the maritime community from the possible dangers and hazards to navigation associated with an airshow.

EFFECTIVE DATES: This regulation becomes effective at 1:00 p.m. local time on the 1st, 2nd, 3rd and 4th of July 1989. It terminates at 2:30 p.m. local time on the 1st, 2nd, 3rd and 4th of July 1989.

FOR FURTHER INFORMATION CONTACT: GMC H.J. Moss of Captain of the Port, New York (212) 668-7933.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards. This action has been analyzed in accordance with the principle and criteria of E.O. 12612, and it has been determined that the final rule does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Drafting Information

The drafters of this regulation are LTJG. C.W. Jennings, Project Officer for the Captain of the Port, New York, and LT. J.B. Gately, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The circumstances requiring this regulation result from an airshow display over Coney Island Channel, NY.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water) security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165 [AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160-5, 49 CFR 1.46.

2. Part 165 is amended by adding section 165.T1029 to read as follows:

§ 165.T1029 Safety Zone; Coney Island Channel, New York, NY.

(a) *Location.* That portion of the waters of Coney Island Channel encompassed by a line drawn from Sheepshead Bay buoy "7" (LLN31685), thence southwest to approach buoy "1" (LLN31655), thence due west to Coney Island Channel buoy "11" (LLN32640), thence due north to Norton Pt. on Coney Island.

(b) *Effective date.* This regulation becomes effective at 1:00 p.m. local time on the 1st, 2nd, 3rd and 4th of July 1989. It terminates at 2:30 p.m. local time on the 1st, 2nd, 3rd and 4th of July 1989.

(c) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: June 7, 1989.

R.C. North,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 89-15188 Filed 6-26-89; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 173

[CGD 89-048]

Vessel Numbering and Casualty Reporting

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is correcting statutory citations and restatements of legislative text to conform to changes made during recodification of Title 46 of the United States Code. The Coast Guard is also updating the lists of Issuing Authorities and Reporting Authorities. Since the lists of issuing and reporting authorities were last corrected, the Coast Guard has approved several State numbering and casualty reporting systems. The Coast Guard remains the issuing and reporting authority only for the State of Alaska. The effect of this rulemaking is to update statutory citations and restatements of legislative text related to reciprocity, and to accurately identify the appropriate issuing and reporting authority for each State.

EFFECTIVE DATE: June 27, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Carlton Perry, Office of Navigation Safety and Waterway Services (202) 267-0979.

SUPPLEMENTARY INFORMATION: In 1983, Congress recodified sections of the Federal Boat Safety Act of 1971 into Title 46 U.S.C., and changed the language of subsections 18(c) and 18(d) regarding reciprocity. This rulemaking amends several sections in Title 33 CFR Part 173 and revises the wording of § 173.17 to conform to the current text of 46 U.S.C. 12302. The changes do not substantively affect the existing regulations.

Appendix A of 33 CFR Part 173 lists States approved by the Coast Guard to conduct the functions of issuing vessel numbers and requiring the reporting of vessel accidents. Since the lists were last updated in 1976, the Coast Guard has approved three State numbering and casualty and accident reporting systems: American Samoa, 1982; Washington, 1984; and New Hampshire, 1988. The Coast Guard now issues vessel numbers and requires the reporting of accidents only for the State of Alaska. This rulemaking will incorporate the three most recently approved States into paragraph (a), alphabetically, along with the other State issuing and reporting authorities.

This final rule was not preceded by a notice of proposed rulemaking and is being made effective in less than 30 days after publication in the *Federal Register*. This rule relates to the Coast Guard's management, procedures and practices, and merely corrects the restatement of current law text and updates the Appendix A listing to reflect the current State issuing and reporting authorities. Therefore, the Coast Guard has determined that notice and opportunity for public comment is unnecessary under 5 U.S.C. 553(b)(3)(B). Since the changes reflected in this rule have already been accomplished, good cause exists, under 5 U.S.C. 553(d), for making it effective in less than 30 days after publication in the *Federal Register*.

Drafting Information

The principal persons involved in drafting this rule are: Carlton Perry, Project Manager, and Christena Green, Project Attorney, Office of the Chief Counsel.

Regulatory Evaluation

This rulemaking is considered nonmajor under Executive Order No. 12291 and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034;

February 26, 1979). The economic impact of the rulemaking has been found to be so minimal that further evaluation is unnecessary. These amendments merely correct a listing of current issuing and reporting authorities. Since the impact of the proposal is expected to be minimal, the Coast Guard certifies that this final rule will not have significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 173

Marine safety, Reporting requirements.

In consideration of the foregoing, the Coast Guard is amending Part 173 of Title 33, Code of Federal Regulations as set forth below.

PART 173—[AMENDED]

1. The authority for Part 173 continues to read as follows:

Authority: 46 U.S.C. 6106, 12302; 49 CFR 1.46.

2. Section 173.1 is revised to read as follows:

§ 173.1 Purpose.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 6101, 6102, 12301 and 12302 of Title 46, United States Code.

3. Section 173.3 is amended by removing and reserving paragraph (a) to read as follows:

§ 173.3 Definitions.

As used in this part:

(a) [Reserved.]

4. Section 173.13 is amended by revising the introductory text to read as follows:

§ 173.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under Section 12303 of Title 46, United States Code, from the numbering provisions of Sections 12301 and 12302 of Title 46, United States Code, and this part:

5. Section 173.17 is revised to read as follows:

§ 173.17 Reciprocity.

(a) Section 12302(c) of Title 46, United States Code, states:

When a vessel is numbered in a State, it is deemed in compliance with the numbering system of a State in which it temporarily is operated.

(b) Section 12302(d) of Title 46, United States Code, states:

When a vessel is removed to a new State of principal operation, the issuing authority of that State shall recognize the validity of the number issued by the original State for 60 days.

6. Section 173.21 is amended by revising paragraph (b) to read as follows:

§ 173.21 Certificate of number required.

(b) Section 12304(a) of Title 46, United States Code, states in part: The certificate of number for a vessel less than 26 feet in length and leased or rented to another for the latter's noncommercial operation of less than 7 days may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative.

Appendix A—[Amended]

7. In paragraph (a) of Appendix A of Part 173, the phrase "American Samoa-AS." is added immediately after the phrase "Alabama-AL."; the phrase "New Hampshire-NH." is added immediately after the phrase "Nevada-NV."; and the phrase "Washington-WN." is added immediately after the phrase "Virgin Islands-VI."

8. In paragraph (b) of Appendix A of Part 173, the phrases "American Samoa-AS.", "New Hampshire-NH.", and "Washington-WN." are deleted.

Dated: June 21, 1989.

R. T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services. [FR Doc. 89-15189 Filed 6-26-89; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3608-3]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Revision to Louisiana Lead SIP for the Baton Rouge Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves a revision to the Louisiana State Implementation Plan (SIP) for lead. On July 28, 1982, at 47 FR 32529 EPA proposed to approve the Louisiana lead SIP as submitted to EPA except for the portion dealing with the Baton Rouge area, because EPA required additional air quality modeling around the Ethyl Corporation's lead gasoline additive manufacturing plant ("Ethyl") in East Baton Rouge Parish. On May 1, 1984, (49 FR 18484), EPA fully approved the Louisiana lead SIP, which included the State's lead control plan for the Ethyl facility—a State Compliance Order issued October 31, 1983. In a letter dated July 18, 1986, the Governor of Louisiana submitted to EPA a new Compliance Order dated January 31, 1986, that amended the original Order in its entirety. Because the original Order was a part of the approved lead SIP for Baton Rouge, its amendment meant that the State had to seek an amendment to its SIP.

EFFECTIVE DATE: This action will be effective on July 27, 1989.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency,
Region 6, 1445 Ross Avenue, Dallas,
Texas 75202-2733.

Louisiana Department of Environmental
Quality, P.O. Box 44096, 625 N. 4th
Street, 8th Floor, Baton Rouge,
Louisiana 70804-4096.

Environmental Protection Agency,
Public Information Reference Unit, 401
M Street SW., Washington, DC 20460.

If you wish to view these documents,
please contact the person named below
to schedule an appointment.

FOR FURTHER INFORMATION CONTACT:
Barbara Durso at (214) 655-7214 or FTS
255-7214.

SUPPLEMENTARY INFORMATION: The
pertinent background information
concerning this notice was published in
the proposed rulemaking on April 14,
1988, at 53 FR 12435. EPA did not receive
any comments on the proposal.

In accordance with the proposal, the
Louisiana Department of Environmental
Quality (LDEQ) remodeled the impact of
the Ethyl Corporation's lead emissions
on ambient air quality in the Baton
Rouge area using the ISCST model,
Version 6.3, and submitted the new
modeling analysis to EPA by letter
dated May 27, 1988. On January 27, 1989,
LDEQ submitted an explanatory letter to
EPA in response to questions from EPA

about emissions limits used in the May
1988 analysis. Since LDEQ satisfied
EPA's concerns, the Agency finds the
current modeling analysis to adequately
demonstrate that ambient air quality
concentrations of lead will not be
adversely affected by lead emissions
from the change in Ethyl's operations.

In general, there are four elements
considered in the application of an air
quality model: (1) Input of the sources of
emissions, (2) selection of a
meteorological data set which best
represents dispersion and transport in
the area, (3) identification of receptors
(i.e., those points downwind), and (4)
choice of model options. EPA's review
of LDEQ's current air quality analysis
of May 27, 1988, considered these
elements.

EPA had two concerns with the air
quality modeling first submitted to
support the State's request to revise the
lead SIP for the Baton Rouge area: (1)
The use of appropriate versions of the
air quality model and (2), the use of a
fully adequate receptor network.
Because of these concerns, EPA required
that the State remodel the impact of
Ethyl's lead emissions.

In its first attempt, LDEQ used
Version 5 of the ISCST model even
though Version 6 was designated the
acceptable version for regulatory use at
that time (52 FR 12435). In the current
modeling for the revised lead SIP, LDEQ
used Version 6.3 of ISCST, which was
the appropriate supplemental version at
the time the State did the current
modeling.

EPA's second concern was with the
limited nature of the receptor network
near the plant property line used in the
first modeling effort. LDEQ remedied
this problem by adding more receptors
in the current modeling, which resulted
in fully acceptable receptor coverage.

The State's amended Compliance
Order for the Ethyl Corporation facility
in Baton Rouge limits emissions to 0.22
grams of lead per second from the two
furnaces, based on a calendar quarterly
averaging period. The input of emission
sources and rates in the modeling for
Ethyl are consistent with the
requirements of the amended Order.
Under a plantwide emissions limit of
0.22 grams of lead per second for a
calendar quarterly averaging period, the
LDEQ submittal allows for flexibility in
the quarterly average emission rates
from the individual furnaces: (1) 0.22
grams of lead per second per quarterly
averaging period for the reverberatory
furnace stack and, (2) 0.14 grams of lead
per second, quarterly average, for the
rotary furnace stack.

LDEQ properly selected the applicable
options for the ISCST model to assess

ambient air concentrations of lead in the
Baton Rouge area. These options
included the regulatory option, that is
the model included certain features
recommended by EPA in its guidelines.
The State also used an acceptable
meteorological data set, which included
five years (1982-1986) of Baton Rouge
surface data and Lake Charles upper air
data. The State chose a receptor
network that provided adequate
coverage to identify the maximum
predicted lead concentration on a
calendar quarter basis. The results of
the current modeling, including
consideration of background lead air
quality, showed no exceedances of the
lead standard will occur in the Baton
Rouge area as a result of this action.

Final Action

EPA has evaluated the revision to the
Baton Rouge portion of the Louisiana
lead SIP and finds that it meets the
requirements of EPA regulations and
policy, therefore, EPA approves the
revision to Louisiana lead SIP as
submitted by the Governor in a letter
dated July 18, 1986. EPA finds that the
amended Compliance Order issued by
the Secretary of the Louisiana
Department of Environmental Quality
on January 31, 1986, to Ethyl Corporation
of Baton Rouge, Louisiana, is adequate
to attain and maintain the lead NAAQS
throughout the Baton Rouge area.

The Office of Management and Budget
has exempted this rule from the
requirements of Section 3 of Executive
Order 12291.

Under section 307(b)(1) of the Act,
petitions for judicial review of this
action must be filed in the United States
Court of Appeals for the appropriate
circuit by August 28, 1989. This action
may not be challenged later in
proceedings to enforce its requirements
(see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by
Reference, Lead, Reporting and
Recordkeeping requirements.

Note: Incorporation by reference of the
State Implementation Plan for the State of
Louisiana was approved by the Director of
the Federal Register on July 1, 1982.

Authority: 42 U.S.C. 7401-7642.

Date: June 16, 1989.

Robert E. Layton, Jr.,
Regional Administrator.

40 CFR Part 52, Subpart T, is amended as follows:

PART 52—[AMENDED]

Subpart T—Louisiana

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.970 is amended by adding paragraph (c)(51) to read as follows:

§ 52.970 Identification of plan.

(c) * * *

(51) Revision to the Louisiana Lead State Implementation Plan (SIP) submitted by the Governor in a letter dated July 18, 1986.

(i) Incorporation by Reference.

(A) An amended Compliance Order dated January 31, 1986, issued by the Secretary of the State of Louisiana Department of Environmental Quality in the matter of Ethyl Corporation, Baton Rouge, Louisiana.

(ii) Additional material.

(A) Computer modeling submitted by letter dated May 27, 1988, from Doug Walters, Louisiana Department of Environmental Quality, to Joe Winkler, U.S. Environmental Protection Agency.

(B) Explanatory letter dated January 27, 1989, from Gustave Von Bodungen, Louisiana Department of Environmental Quality, to Gerald Fontenot, U.S. Environmental Protection Agency.

[FR Doc. 89-15186 Filed 6-26-89; 8:45 am]

BILLING CODE 8560-60-M

40 CFR Part 52

[FRL-3606-5]

Designation of Areas for Air Quality Planning Purposes

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is disapproving a site-specific revision to the ozone portion of the Ohio State Implementation Plan (SIP) for the General Motors (GM) Lordstown auto assembly facility in Warren (Trumbull County), Ohio. On October 5, 1978 (43 FR 46011), USEPA designated Trumbull County as nonattainment for ozone. This action is based on a revision request submitted by Ohio on October 21, 1986, for a relaxation of emission limitations for GM's volatile organic compound (VOC) topcoat and final repair coatings operations, as established under Ohio

Administrative Code (OAC) Rule 3745-21-09(C). USEPA has determined that this request would not constitute

Reasonably Available Control Technology (RACT), as required under the Clean Air Act (CAA).

As a result of today's disapproval of the revision for GM's Lordstown facility, the source remains subject to the control requirements of OAC Rule 3745-21-09(C).

EFFECTIVE DATE: This final rulemaking becomes effective on July 27, 1989.

ADDRESSES: Copies of materials relating to USEPA's action may be inspected during normal business hours at the following address. (It is recommended that you telephone Maggie Greene, at (312) 886-6088, before visiting the Region V office.)

U.S. Environmental Protection Agency,
Region V, Air and Radiation Branch
(5AR-26), 230 South Dearborn Street,
Chicago, Illinois 60604

Ohio Environmental Protection Agency,
Office of Air Pollution Control, 1800
WaterMark Drive, P.O. Box 1049,
Columbus, Ohio 43266-0149.

FOR FURTHER INFORMATION CONTACT:

Maggie Greene, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION:

On October 21, 1986, the Ohio Environmental Protection Agency (OEPA) submitted a request to revise the ozone portion of the State Implementation Plan (SIP) for the General Motors (GM) Lordstown auto assembly facility, which is located in Trumbull County, Ohio. On October 5, 1978 (43 FR 46011), USEPA designated Trumbull County as nonattainment for ozone. The revision requests a relaxation of emission limitations for GM's volatile organic compound (VOC) topcoat and final repair coatings operations, as established under Ohio Administrative Code (OAC) Rule 3745-21-09(C). USEPA has determined that this revision request would not constitute RACT as required under the CAA.

On June 29, 1988 (53 FR 24450), USEPA proposed to disapprove a site-specific SIP revision for the GM Lordstown auto assembly facility. Both OEPA and GM commented on the proposed disapproval. OEPA's comments are repeated in full in this final rule.

However, due to their length, portions of GM's comments are abbreviated and/or

paraphrased. USEPA's responses are based upon the full comments.

Public Comments and USEPA's Responses.

Ohio EPA's August 12, 1988, Comments

(1) USEPA FR Comment

GM's revised limit for its topcoat operation would amount to an average VOC content of 5.2 lbs VOC per gallon of coating, minus water. USEPA does not consider such a high VOC content as RACT for automotive topcoats, based upon past Agency analyses. USEPA must consider Ohio's request for GM Lordstown as a permanent relaxation, because Ohio has failed to specify a date for conversion of GM's coating operations to base coat/clear coat.

Ohio EPA Response. The USEPA refers to "past Agency analyses," but does not identify them in either the NPR or Region V's TSD. If this phrase refers to the CTG for automobile and light-duty truck assembly plants, it would not be a proper basis for disapproving the SIP revision. Obviously, the SIP revision is facility-specific. The approvability of the SIP revision must rise or fall based upon facility-specific considerations. The CTG establishes a presumptive norm for RACT, and the USEPA has indicated, as a matter of policy, that States have the latitude to establish an alternative definition of RACT for a particular facility if the presumptive norm is determined to be unreasonable. This is precisely what the Ohio EPA is proposing for the GM Lordstown facility—an alternative definition of RACT for the topcoat and final repair operations. Therefore, we must consider the statement that the "USEPA does not consider such a high VOC content as RACT" as nothing more than unsubstantiated opinion.

It is true that the variances for the topcoat and final repair operations do not contain a deadline for conversion to base coat/clear coat technology. Nevertheless, the USEPA has been fully aware of the fact that GM and the Ohio EPA have not considered the SIP revision to constitute a permanent relaxation. The Ohio EPA and GM have always considered the SIP revision to be a temporary relaxation. This was pointed out clearly to the USEPA in the Ohio EPA's Fact Sheet for the variances, as was the reason why GM could not commit to a firm date for the base coat/clear coat conversion as part of the terms and conditions of the variances. The fact that GM actually completely (sic) the conversion in September 1987, confirms the temporary nature of the SIP revision.

The USEPA's October 21, 1981, policy on automobile coatings provides for